

June 2, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Luxon Wireless, Inc.*
Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's
Rules to Facilitate the Provision of Fixed and Mobile Broadband
Access, Educational and Other Advanced Services in the 2150-
2162 and 2500-2690 MHz Bands
WT Docket No. 03-66
NOTICE OF *EX PARTE* PRESENTATION

Dear Ms. Dortch:

On Wednesday, June 2, 2004, Brian W. Gortney, II, President of Luxon Wireless Inc., and Robert J. Rini and the undersigned met with Barry J. Ohlson, Legal Advisor to Commissioner Jonathan Adelstein regarding the above-referenced proceeding.

The participants discussed the impact that certain decisions would have on new entrants. First, Luxon reiterated its support for permitting the voluntary sale of ITFS licenses to commercial entities. Luxon explained that Luxon's ability to attract investment was being impaired by the existing rules prohibiting it from acquiring ITFS licenses. Based on its discussions with ITFS licensees, Luxon stated that there was great interest in giving educators the flexibility (*i.e.*, choice) to realize such benefits, both as part of a compensation plan to licensees and by virtue of the proposed five percent post-assignment spectrum set-aside that would be available to all educators in the community.

Second, Luxon reiterated its opposition to the allocation of 5.0 MHz channels, rather than the 5.5 MHz channels proposed by the industry coalition. Luxon explained that, given a typical three-channel band of 15 MHz, it would only be able to use 11 MHz (2 x 5.5 MHz) until equipment manufacturers re-engineered their equipment to accommodate 5.0 MHz channels. In addition, Luxon stated that the loss in bandwidth would result in a loss of capacity that could only be recaptured with additional expense and additional base stations, raising costs to consumers.

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Third, Luxon opposed the creation of “new entrant” spectrum in the 2.5 GHz band that would be auctioned. Luxon added that it would prefer the certainty of having access to spectrum now as opposed to the uncertain outcome of an auction.

Fourth, Luxon indicated its opposition to spectrum underlays by unlicensed users because the potential for interference is still uncertain, and opposed reverse auctions as they would more likely result in a delay of deployments as efforts are focused on auction participation.

A copy of Luxon’s written *ex parte* presentation provided to Mr. Ohlson is attached hereto.

Pursuant to Section 1.1206(b)(2), this notice is being filed electronically with the commission via the Electronic Comment Filing System for inclusion in the public record of this proceeding. Please contact the undersigned counsel if there are any questions concerning this notice.

Respectfully submitted,

/s/ Stephen E. Coran

Stephen E. Coran

Enclosure

cc: Bryan Tramont
Sheryl J. Wilkerson
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